UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/088,018	NICOLAS ET AL.
	Examiner	**Art Unit**	
	Joseph R. Maniwang	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   · Claim 10 is objected to because of the following informalities: recitation of

"messages member" appears to be a typographical error. Examiner suggests replacing

the phrase with "message members". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

3.   Claim 1 recites the limitation "each management message member". There is

insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "this current message". There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4.   Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Deiss

(U.S. Pat. No. 5,802,063).

5.   Regarding claims 1 and 10, Deiss disclosed a method and system of transmitting

a chain of database management messages between a management centre and a

plurality of distributed subscriber databases, wherein each management message

member of this chain comprises a chain header, a chain identifier, and a chain index

(see column 2, line 55 through column 3, line 6), the method comprising the steps of

providing with each management message a conditional block effective for determining

whether this current message is to be processed without references to all or part of

other message members of the chain (see column 5, lines 11-43), and in the negative

event, effective for defining conditions linked to a previous processing of all or part of

other message members of the chain (see column 5, lines 11-43); and transmitting the

chain of database management message between a management centre and a plurality

of distributed subscriber databases (see column 1, lines 57-61).

6.   Regarding claims 2 and 11, Deiss disclosed the method and system further

comprising the step of determining, according to the conditional block if at least one

message of the chain can, or must, or must not have been processed first (see column

5, lines 32-43).

7.   Regarding claim 3, Deiss disclosed the method and system further comprising

the steps of managing a table in the subscriber database containing an information

representing a processing state of each member of the chain (see column 8, lines 11-

20), updating said table every time that a member of the chain is processed (see

column 8, lines 11-20), and resetting said table either on request of the managing

centre or after a predefined time (see column 8, lines 11-20).

8.   Regarding claim 4, Deiss disclosed the method and system wherein the

subscriber database is connected to a subscriber unit and wherein it comprises the step

of memorizing the management messages in a memory of the subscriber unit and of

presenting them on request to the subscriber database (see column 3, line 66 through

column 4, line 67).

9.   Regarding claims 5 and 13, Deiss disclosed the method and system further

comprising the steps of memorizing incoming messages in series, each incoming

message causing an increment of a stack pointer of incoming messages, and of

allowing a direct access to the messages requested by the subscriber database (see

column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

10.   Regarding claim 6, Deiss disclosed the method and system wherein the memory

of the subscriber unit is configured as a serial buffer memory having a fixed length (see

column 4, lines 12-25; column 8, lines 11-20).

11.   Regarding claim 7, Deiss disclosed the method and system further comprising

the steps of receiving in the subscriber database, a message member of a chain, and of

allocating in the subscriber unit, the memory necessary for receiving all the members of

this chain (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

12.   Regarding claim 8, Deiss disclosed the method and system further comprising

the steps of requesting the subscriber module to compose a management message

describing its software and hardware resources and of sending said message either to

the subscriber database or to the management centre (see column 4, lines 42-67).

13.   Regarding claim 9, Deiss disclosed the method and system wherein the request

is transmitted, either by the management centre under the form of a management

message, or by the subscriber database under the form of an instruction on an I/O line

(see column 4, lines 42-67).

14.   Regarding claim 12, Deiss disclosed the method and system wherein the security

module includes a message manager able to store in a memory an information

representing a processing state of each message of the chain, and wherein it includes

means for comparing this state with the conditions expressed in the conditional block of

the message currently processed (see column 4, lines 11-25; column 8, lines 11-20;

column 9, lines 56-63).

15.   Regarding claim 14, Deiss disclosed the method and system wherein the

subscriber unit includes a connection line towards the security module and wherein it

includes means to determine the size of the memory according to instructions received

from the security module, and means for replying to the security module by composing

and sending a management message to this security module (see column 3, line 66

through column 4, line 67)

16.   Regarding claim 15, Deiss disclosed the method and system wherein the

subscriber unit includes a selection module to connect a management message

separator (see column 4, lines 33-41), a processing center of the subscriber module

(see column 4, lines 33-41), the security module and the memory (see column 4, lines

12-32), and means to recognize the management message destined only to the

processing center and to forward these messages to the processing center (see column

4, lines 12-41).

17.   Regarding claim 16, Deiss disclosed a method and system comprising

determining dependencies between management messages members to be sent as

part of a chain of management message members, wherein said chain identifier

identifies the order of transmission of said management message members of said

chain (see column 5, lines 11-43); using said dependencies to create a condition block

for a management message member, wherein said condition block determines a

permissible order of processing of each management message member forming a chain

of management member messages (see column 5, lines 11-43); inserting said

conditional block into said management message member (see column 5, lines 11-43);

transmitting said management message member, wherein said conditional block allows

a receiver of said management message members to manage a table in the subscriber

database containing an information representing a processing state of each member of

the chain (see column 5, line 44 through column 6, line 15).

18.   Regarding claim 17, Deiss disclosed the method and system wherein said

conditional block does not require processing of any other management message

members of said chain of management message members (see column 5, lines 31-43).

19.   Regarding claim 18, Deiss disclosed a method and system comprising receiving

at least one management message member that is part of said chain of database

management messages; processing said management message member in

accordance with said conditional block (see column 5, lines 11-43).

20.   Regarding claim 19, Deiss disclosed the method and system further comprising

creating a processing state table for tracking the processing of said management

message member in said chain of database management messages; managing said

processing state table to ensure said received management message member is

processed in accordance with said condition block (see column 5, line 44 through

column 6, line 15).

21.   Regarding claim 20, Deiss disclosed the method and system wherein the method

further comprises updating said state table upon successful processing said

management message member of said chain (see column 5, line 44 through column 6,

line 15).

Response to Arguments

22.   Applicant's arguments filed 03/23/07 have been fully considered but they are not

persuasive.

23.   Regarding the objection to claim 10, Applicant has not responded to the objection

by way of amendment to the claims or any relevant remarks. The objection is

maintained.

24.   Regarding the rejection of claims 1-9 under 35 U.S.C. 112, Applicant as not

responded to the rejection by way of amendment to the claims or any relevant remarks.

The rejection is maintained.

25.   Regarding claims 1-5 rejected under 35 U.S.C. 102(b) as being anticipated by

Deiss, Applicant first asserts that the reference "does not permit out-of-order execution",

and that instead Deiss "requires the decoder to 'throw away' the previously received

MPEG data" and further that such an MPEG stream is different from management

messages.. However, Examiner submits that the concepts relied upon by Applicant,

such as "out-of-order execution" are not necessarily claimed in the language presented.

The claims are directed to processing messages of a "chain" (i.e., stream), and

determining the particulars of such processing based on a "conditional block" contained

within a message (see exemplary claim 1). The claimed "processing" is broadly recited,

and is not specifically claimed as occurring dependent upon an order of execution or out

of order, etc. Such processing is only claimed as dependent upon the conditional block

within a message. As such, Examiner submits that Deiss reads on the claim language

presented, as Diess disclosed a continuity count and a conditional access code (see

column 5, lines 11-43), which reads on a packet containing a conditional block as

claimed. Examiner further submits that the conditional blocks of Deiss are functionally

equivalent to the argued features in the claimed invention. The requirement for a

conditional block in "allowing the system to decide whether the message can be used

immediately without condition, or whether the message needs fulfilling conditions in

relation with the reception of other members of the chain" is clearly taught by Deiss

where it was disclosed that detected headers in a stream of packets tell a decoder to

process the incoming packets, or whether the flow of packets should be inhibited until

the reception of another packet with the proper header (see column 5, lines 31-43).

26.   Additionally, although Applicant states the distinction between the prior art and

the claimed invention involves the rejection of messages, such a feature is not required

by the claim language presented. The claim language does not make a requirement on

the rejection of packets, only that a packet's conditional block links the packet to a

processing of previous packets. As stated above, Deiss discloses such a conditional

block, relating the processing of a video packet to the success or failure of processing

previous video packets (see column 5, lines 31-43).

27.   Applicant further asserts that Deiss does not disclose that detected headers in a

stream of packets tells a decoder to process the incoming packets, or whether the flow

of packets should be inhibited until the reception of another packet with the proper

header, as the MPEG data in Deiss is not a "chained message" as claimed. However,

Examiner submits that the chained message as recited in the claims only requires a

header, identifier, and conditional block. As such, Examiner submits that Deiss teaches

the claimed chained message, disclosing packets structured with a header, identifier,

and conditional block as claimed (see column 2, line 55 through column 3, line 6).

Furthermore, although Applicant argues that the lost packets of Deiss are not stored

and that the MPEG data does not allow for out of order processing, as described above

such features are not explicitly recited in the claims.

28.   Examiner submits that the newly presented claims 16-20 are taught by the prior

art of record as detailed in the above rejection under 35 U.S.C. 102(b).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
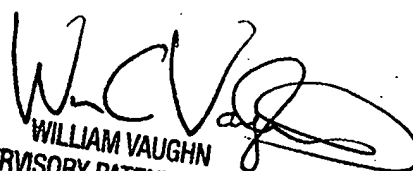
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM

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